

REMARKS

Reconsideration of this application, as amended, is respectfully requested. Claims 51-66 have been cancelled without prejudice or disclaimer. These amendments do not add any new matter and are supported by the application as originally filed. Applicants reserve the right to prosecute any canceled or otherwise unclaimed subject matter in this or another application. Consideration and entry of these amendments and comments are respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 101

Claims 1-30, 38-43, 51, and 53-56 stand rejected under 35 U.S.C. § 101. Claims 51 and 53-56 have been cancelled without prejudice or disclaimer; the rejection is therefore moot as to those claims. Applicants respectfully disagree with the remaining rejections and traverse the same as indicated below.

The Examiner alleges that the subject matter of claims 1-30, 38-43 are not sufficiently distinguished “over nucleic acids as they exist naturally because the claims do not point particularly point out any non-naturally occurring differences between the claimed products and the naturally occurring products.” The Examiner alleged that the use of the term “expression vector” does not indicate the hand of man is required.” The Examiner suggests using the term “isolated” or “purified”. It is noted that the claimed sequences (e.g., SEQ ID NO. 28) are not naturally-occurring and that the differences from previously known CEA sequences is clear from the specification (e.g., Figs. 9A-D). In addition, claims 26-30, 43 and 50 relate to a composition comprising an expression vector and a pharmaceutical composition which is clearly not naturally occurring. Applicants respectfully maintain that one of skill in the art would understand from the specification that the claimed subject matter is in fact a product of the hand of man and that the inclusion of the terms “isolated” or “purified” is not necessary. Accordingly, withdrawal of these rejections is therefore respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 52-66 stand rejected under 35 U.S.C. 112, second paragraph as failing to distinctly claim the subject matter which applicant regards as the invention. Claims 51-66 have been cancelled; the rejection is therefore moot.

REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 52-54, 56, 58, 59 and 61 stand rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. Claims 51-66 have been cancelled without prejudice; the rejection is therefore moot.

REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1-30 and 36-50 stand rejected under 35 U.S.C. 102(b) as being anticipated by Paoletti et al. (U.S Pat. No. 5,833,975). Applicants respectfully disagree as indicated below.

The Examiner alleged that the claims were anticipated Paoletti because teaches wild-type CEA. The amended claims relate to nucleic acids comprising SEQ ID NO.:28 which relates to a modified (relative to wild-type) nucleic acid encoding CEA. Paoletti does not teach the claimed subject matter. It is therefore requested that these rejections be withdrawn.

CONCLUSIONS

Applicants respectfully request consideration and entry of this reply. Applicants believe the claims are in condition for allowance and request that a Notice of Allowance be issued as soon as possible. The Examiner is encouraged to contact the Applicants' undersigned representative if it is believed doing so would expedite prosecution of this application.

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Respectfully submitted,

/Patrick J. Halloran/

Patrick J. Halloran
Reg. No. 41,053

Patrick J. Halloran, Ph.D., J.D.
3141 Muirfield Road
Center Valley, PA 18034
Tel: 610-984-4751
Fax: 484-214-0164
e-mail: pat@pathalloran.com